



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2017-51

**Date:** June 15, 2017

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 27 Belmont Street

**Applicant / Owner Name:** Alison Ellis

**Applicant / Owner Address:** 27 Belmont Street, Somerville, MA 02143

**Alderman:** Robert McWatters

Legal Notice: Applicant and Owner, Allison Ellis, seeks a Variance under Section 5.5 and 9.8.d of the Somerville Zoning Ordinance (SZO) to locate/legalize a parking space within the front yard of the property. RB Zone. Ward 3.

*\* The correct spelling of the Applicant / Owner's name is Alison Ellis.*

Dates of Public Hearing: Zoning Board of Appeals – June 21, 2017

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**I. PROJECT DESCRIPTION**

1. Subject Property: The locus is located on Belmont Street between the blocks of Belmont Place and Belmont Square. The locus consists of a 3,424 square foot lot with a 2.5 story, gable roof, single family dwelling. The lot has narrow side yards of seven feet on the left and two feet on the right.

2. Proposal: The proposal is to locate/legalize a second parking spot within the front yard of the site to the right of the front steps (where the black SUV is pictured in the photograph).

3. Green Building Practices: The brick patio in the front yard is pervious, allowing stormwater to penetrate



into the soil.

4. Comments:

*Ward Alderman:* Alderman McWatters has verbally expressed, to Planning Staff, his support for granting the Variance.

## II. FINDINGS FOR VARIANCE

A Variance (§5.5) is sought to locate/legalize parking in the front yard of the locus as parking within the front yard in the RA and RB zoning districts is prohibited under §9.8.d.

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. *There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."*

Applicant's response: Due to the narrowness of the house lot, and especially the side yard to the left of my house, I cannot have a side driveway and am thus unable to park two cars in a tandem arrangement.

I live midway between Summer Street and Somerville Avenue. This long block of Belmont Street is very steep. It is also a very congested street, with limited parking availability. Most owners and renters on the block are working people or students who take public transportation and don't move their cars for days and days, particularly after winter storms. If I am required to park my car on the street, I may have to carry heavy groceries quite a distance up or down the steep street. My life partner is a professional musician. He may need to carry heavy musical equipment up or down the steep street. We are both 62 years old. Being unable to park a second car will cause a hardship, especially as we age.

Mr. Richardson of Inspectional Services came to my house on March 3, 2017 to inspect basement work underway. At that time, he advised me that I "couldn't park that way." There have been other occasions when Somerville Inspectional Services personnel have come to my house to inspect work. For example, in 2012 I had my front steps rebuilt. The cars were parked in the same way and the inspector did not inform me that I was in violation.

Since settling in Somerville in January 1993 and purchasing 27 Belmont Street in November 1993, I have seen many, many positive changes in the city, some of it fueled by significantly and rapidly increasing property taxes. I am willing to pay my share. However, not allowing me to park two cars has reduced the value of my home.

Staff's response: The narrow shape of the locus creates a hardship in the sense that it prohibits a driveway from being located on either side of the site as the left side yard is only seven feet wide and the right side yard is only two feet wide; therefore, the only accessible area to provide the required number of off-street parking spaces is within the front yard. Legally only one car is allowed to park within the front yard to the left of the stairway because that area has been used as a parking space since before 1991 when parking within the front yard became prohibited.

2. *"The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."*

Applicant's response: One additional parking spot, to the right of the front stairs, is the minimum variance that could be requested, and would be a reasonable use of the land. I have been parking two cars, to the right and left of my front stairs, without incident and without complaints from neighbors since 1998.

Staff's response: Staff agrees that one additional parking space, to the right of the front stairs, is the minimum variance that could be requested, and would be a reasonable use of the land.

3. "The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Applicant's response: As noted above, I have parked two cars in front of my home since summer 1998, with no complaint from or harm to neighbors. Please see the attached confirmations from neighbors (owners) who can see my front yard.

One purpose of Somerville zoning (section 1.2) is to lessen street congestion. Allowing me to continue to park two cars off the street allows me, and the City, to do just that.

Staff's response: Allowing a second parking spot on the locus would lessen congestion on the street. Also, Staff finds that it would not be injurious to the neighborhood or detrimental to the public welfare as two cars have been parked there for 19 years with no complaints.

### III. RECOMMENDATION

#### Variance under §5.5 and §9.8.d

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **VARIANCE**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for locating a parking space within the front yard. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.		
	<b>Date (Stamp Date)</b>				<b>Submission</b>
	May 23, 2017				Initial application submitted to the City Clerk’s Office
	Any changes that are not <i>de minimis</i> must receive SPGA approval.				
<b>Traffic &amp; Parking</b>					
2	Vehicles shall not overhang onto the public sidewalk.	Cont.	ISD/PIng.		

<b>Public Safety</b>				
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

